

Remarks

Claims 6 and 10-13 were objected to. Claim 6 has been rewritten in independent form and should be allowed. Claim 10 has been rewritten in independent form and should be allowed. Claims 11, 12 and 13 depend directly or indirectly on Claim 10 and therefore should be allowed.

Claims 14-22 have been withdrawn.

Claim 26 has been cancelled to facilitate prosecution without prejudice.

Claim 27 has been added to more fully claim applicant's invention.

Claims 1-5, 7-9 and 23-25 have been rejected under 35 USC § 103(a) based on U.S. Patent No. 3,117,799 to Behnke (hereinafter Behnke) in view of U.S. Patent No. 3,586,308 to King (hereinafter King). These rejections are respectfully traversed.

Claim 1 requires "a first suspension...comprising a first leaf spring including a central portion overlying and pivotally coupled to the first end portion of the front axle for pivoting relative to the front axle about a first leaf spring pivot" and "a second suspension ... comprising a second leaf spring including a central portion overlying and pivotally coupled to the second end portion of the front axle for pivoting relative to the front axle about a second leaf spring pivot".

The Examiner concedes that Behnke does not disclose these requirements of claim 1. More specifically, the Examiner states: "Behnke does not disclose that the leaf spring is pivotally coupled to the end portion of the front axle for pivoting relative to the front axle about a leaf spring pivot". The Examiner then attempts to overcome this deficiency of Behnke by pointing to King. However, one would have to disregard the teachings of Behnke to combine the references as suggested by the Examiner, and this simply would not be done.

At Col. 1, lines 61-64, Behnke recites: "By reason of this arrangement [understood to refer to parallelogram linkage described at lines 53-61 of Col. 1] the dual axle and the rigidly connected spring leaf assemblies are free to float beneath the vehicle frame without need for rigid or semi-rigid connections between the free ends...(emphasis added)" At Col. 3, line 72 through Col. 4, line 4, Behnke recites: "Before describing the linkages themselves, it is pointed out that each spring beam 25,26 is rigidly connected at its midportion to an associated carriage axle by a combined spring seat and bracket 47,48. As shown herein, seats 47 and 48 are secured

to their respective axles by pairs of U-bolts 49 and clips 50 clamped across the spring beams by the upper ends of the U-bolts by nuts 51.” (emphasis added)

Thus, Behnke teaches away from any combination that would include a leaf spring pivot by teaching the importance of the rigidly connected leaf spring assemblies to the axles.

In addition, claim 1 requires “A first control rod having a first end portion pivotally coupled to the first end portion of the front axle for pivoting about a first pivot which is below the first leaf spring pivot” and “a second control rod having a first end portion pivotally coupled to the first end portion of the front axle for pivoting about a third pivot which is below the first pivot”. In addition, claim 1 requires a second suspension comprising “a third control rod having a first end portion pivotally coupled to the second end portion of the front axle for pivoting about a fifth pivot which is below the second leaf spring pivot” and “a fourth control rod having a first end portion pivotally coupled to the second end portion of the front axle for pivoting about a seventh pivot which is below the fifth pivot”. With reference to Figs. 2 and 3A of Applicants specification, the term “below” means “lower in elevation than”. With reference to Fig. 3 of King, the pivot defined by tubular brace 166 is not below the pivot defined by rod 136. In other words, not only does King lack two control rods, King does not disclose control rods with respective first ends pivoted at locations below the elevation of the leaf spring pivot. Therefore, assuming for purposes of argument only that Behnke and King were combined, in accordance with King, at least one control rod would have a pivot that is not below the spring pivot in accordance with the King construction.

One cannot pick and chose features from two references, using a claim as a road map for the selection of such features in order to reject a claim.

Therefore, claim 1 should be in condition for allowance.

Claims 2-5 and 7-9 depend directly or indirectly on claim 1 and should therefore be allowable for reasons given above in support of their parent claim. These claims also set forth an independently patentable combination of features.

Claim 23 requires a first suspension comprising “a first leaf spring including a central portion overlying and pivotally coupled to the first end portion of the front axle for pivoting relative to the axle about a first leaf spring pivot.” Therefore, this claim should be allowable over Behnke and King inasmuch as Behnke lacks such a leaf spring pivot and teaches away from the inclusion of a leaf spring pivot therein and for this reason would not be combined with King

in the manner proposed by the Examiner. Claim 23 also specifies “a first control rod having a first end portion pivotally coupled to the first end portion of the front axle for pivoting about a first pivot which is below the first leaf spring pivot” and “a second control rod having a first end portion pivotally coupled to the first end portion of the front axle for pivoting about a third pivot which is below the first pivot”.

Even assuming for purposes of argument only that King will combine with Behnke, the first and third pivots will not be below (lower in elevation) than the first leaf spring pivot inasmuch as King does not show this construction.

Claim 24 depends from claim 23 and should be allowable for the reasons given above in support of claim 23 and because of the independently patentable combination of features set forth therein.

Independent claim 25 should also be allowable inasmuch as this claim requires “a leaf spring pivot” and “first and second control rods having end portions pivotally coupled to the associated axle end portion at locations below the associated leaf spring pivot.”

Newly added independent claim 27 should be allowable inasmuch as both Behnke and King lack a first and second tie members with links as set forth in this claim. As specified in Col. 1, lines 61-65 of Behnke, Behnke teaches away from this requirement. Specifically, Behnke recites: “By reason of this arrangement the dual axle and rigidly connected spring leaf assemblies are free to float beneath the vehicle frame without need for rigid or semi-rigid connections between the free ends of the spring and the hanger members or the equalizing beams”. King also teaches a construction wherein the front and rear free ends of each of the leaf springs are floating.

Therefore, new claim 27 should be in condition for allowance.

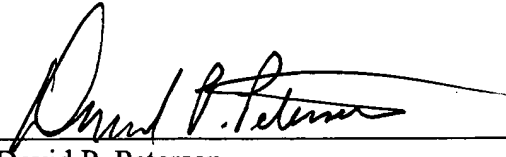
The application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By



David P. Petersen
Registration No. 28,106